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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In Re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. C-05-01114 JW **DECLARATION OF DAVID S. BENYACAR IN SUPPORT OF ROUND 3 DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S THIRD AND FOURTH CLAIM CONSTRUCTION ORDERS**

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I, David S. Benyacar, hereby declare as follows:

1. I am a member of the law firm Kaye Scholer, LLP, counsel of record for defendant Time Warner Cable Inc. I make this declaration from my own personal knowledge, and if called as a witness, I could and would testify competently hereto.

2. On July 18, 2007, the Round 3 defendants filed their "Round 3 Defendants' Opposition to Plaintiff's Motion for Reconsideration of the Court's Third and Fourth Claim Construction Orders" in this courthouse.

3. The following exhibits, attached hereto, are true and correct copies of the original documents (except that previous e-filing stamps have been redacted):

Ex. A: Bell Laboratories, *Transmission Systems for Communications* (5th ed. 1982); p. 1.

Ex. B: J.E. Flood & P. Cochrane, *Transmission Systems* (Peter Peregrinus Ltd. 1991); p. 19.

Ex. C: Alliance for Telecommunications Industry Solutions, *Telecom Glossary 2000* (2001), http://www.atis.org/tg2k/_transmission_system.html.

Ex. D : Advanced Television Systems Committee, *ATSC Digital Television Standard and Amendment No. 1* (1995); pp. 18-19.

Ex. E: *The New IEEE Standard Dictionary of Electrical and Electronic Terms* (5th ed. 1993); pp. 1405-06.

Ex. F: PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S CLAIM CONSTRUCTION BRIEF, dated 1/8/04 ("Acacia 1/8/04 Br."); p. 23.

Ex. G: PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S COMBINED OPPOSITION TO: (1) CLAIM CONSTRUCTION BRIEF OF AEBN, INC.; ADEMIA MULTIMEDIA, LLC; AUDIO COMMUNICATIONS, INC.; GAME LINK, INC.; INNOVATIVE IDEAS INTERNATIONAL; LIGHTSPEED MEDIA GROUP, INC.; NEW DESTINY INTERNET GROUP, INC.; VS MEDIA, INC.; AND (2) CLAIM CONSTRUCTION BRIEF OF IWI AND OFFENDALE, dated 1/22/04 ("Acacia 1/22/04 Br."); pp. 19-20.

Ex. H: *Honeywell Int'l, Inc. v. Universal Avionics Corp.*, 2007 U.S. App. LEXIS 15820 (Fed. Cir. July 3, 2007).

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 18th day of July, 2007, at New York, New York.

/s/ David. S. Benyacar

David S. Benyacar